

REMARKS

Claims 1, 3, 4, 6-13, 17, 18 and 20-34 are pending in the present application. Claims 1, 3, 4, 6-8, 10, 12, 13, 17, 18, 20-30 have been amended herein. Claims 2, 5, 14-16 and 19 have been cancelled without prejudice. Entry of this Amendment and further examination of the application in view of the amendments and following remarks is hereby requested.

The claims have been amended to clarify the element of the player both selecting the combination of indicia to be played in the game, and the number of rounds of play of the game with that player-selected combination of indicia. Further, the claims reflect that the number of wins for the rounds played with the player-selected combination is totaled and a payout structure is provided with an increasing payout amount for the number of wins per game. Exemplary support for the amendments can be found in the Specification at Paragraphs 0042-0049 and in Figs. 1, 2, 4, 5 and 6. Applicants submit that no new matter has been added by the present amendment.

Information Disclosure Statement

The Office Action stated that the Information Disclosure Statement filed June 28, 2002 (Paper No. 5), did not include a copy of the referenced pending patent application, and accordingly, stated that a copy thereof must be submitted for consideration. Application therefore submits herewith a copy of US Patent Application Serial No. 09/590,735, filed June 8, 2000, entitled "System and Method for Playing a Multiplier Game," for appropriate consideration.

Rejection under 35 U.S.C. §102

The Office Action rejected Claims 1-34 under 35 U.S.C §102(b) as being anticipated by *Sludikoff, et al.*, US Patent No. 5,232,221. The Office Action stated that *Sludikoff, et al.*, discloses a lottery game played by the player selecting a plurality of multiple digit rows of numbers with the game played over a series of days or draws. The Office Action further stated that the more numbers one matches in *Sludikoff, et al.*, the higher the payout, and as payouts are cumulative over the period of play, they are “nonlinearly” increasing. It was then concluded that a thorough reading of *Sludikoff, et al.*, should enlighten all claimed limitations of the rejected claims. Applicants respectfully traverse this ground of rejection insofar as it pertains to the claims as amended.

The claims as amended recite the element that the payout structure for wins is established at the time that the player selects the number of rounds of play, and the payout structure is purposely progressive--in one embodiment more than doubling the payout for additional wins, and in another embodiment having an exponential increase. Further, the claims recite that each round of play includes a randomly generated combination of indicia to which the player-selected combination of combination of indicia is matched.

Conversely, *Sludikoff, et al.* does not provide any structured payout for multiple wins over several rounds of play, and there is no disclosure or suggestion that one prize will have any relation in amount to another prize. *Sludikoff, et al.* only discloses that multiple prizes can be awarded on a single, multiple play ticket. Thus, *Sludikoff, et al.*

simply lacks the element of a payout structure specifically for multiple wins on a multiple round-playing ticket.

Moreover, for each round of play in *Sludikoff, et al.*, or a drawing per day, a "given number will occur only once in each set." Col. 2, Lines 41-45. This is because the manner of winning in *Sludikoff, et al.* requires numbers to match in a consecutive manner. *Id.* Consequently, there is not true random number generation within the rounds of play of the game in *Sludikoff, et al.*, as is claimed in the present invention.

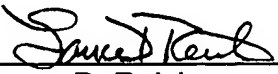
Accordingly, because *Sludikoff, et al.* does not disclose at least the elements of a structured payout or random indicia combination generation within the rounds of play of the game, it cannot anticipate the claims as amended. See MPEP §2131. As this ground of rejection has been overcome, Applicants request that the claims as amended be allowed.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claims 1, 3, 4, 6-13, 17, 18, and 20-34, as amended, are in condition for allowance and notification to that effect is earnestly solicited. If necessary, the Examiner is invited to telephone Applicant's attorney (404-873-8500) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 502666.

Respectfully submitted,
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By their Representatives,


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CERTIFICATE UNDER 37 CFR 1.8

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450, on this 27 day of Jan, 2004.

Lucille Golden-Blakey

